

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BILLY RAY PHIFFER,

10-CV-1120-SU

Plaintiff,

ORDER

v.

MATTHEW B. SHIRTCLIFF, in his
official capacity as District
Attorney for Baker County,
Oregon, and BAKER COUNTY CIRCUIT
COURT,

Defendants.

BILLY RAY PHIFFER
8555 San Leandro Drive
Dallas, TX 75218

Plaintiff, *Pro Se*

JOHN R. KROGER

Attorney General

JUSTIN E. KIDD

Assistant Attorney General

Oregon Department of Justice

1162 Court Street N.E.

Salem, OR 97301-4096

Attorneys for Defendants

BROWN, Judge.

Magistrate Judge Patricia Sullivan issued Findings and Recommendation (#15) on April 14, 2011, in which she recommends this Court grant Defendants' Motion (#3) to Dismiss and grant Plaintiff's Motion (#8) to File an Amended Complaint. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Sullivan's Findings and Recommendation (#15). Accordingly, the Court **GRANTS** Defendants'

Motion (#3) to Dismiss and **GRANTS** Plaintiff's Motion (#8) to File an Amended Complaint. The Court **DIRECTS** Plaintiff to file his Amended Complaint **no later than June 30, 2011**. The Court advises Plaintiff that failure to file an amended complaint by June 30, 2011, shall result in the dismissal of this proceeding with prejudice.¹

IT IS SO ORDERED.

DATED this 8th day of June, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge

¹ A dismissal with prejudice would mean Plaintiff may not be able to bring his claims or related claims against Defendants in any future action.